

Quid Novi

Vol. 11, No. 12

McGILL UNIVERSITY FACULTY OF LAW November 19, 1990
UNIVERSITE MCGILL FACULTE DE DROIT 1^{er} 19^e novembre 1990

The Sex of Law

by Johanne Poirier, Nat. IV

The symbol of justice might be a blindfolded woman, but law is male according to Frances Olsen. Professor Olsen, now visiting at Harvard, is well known in the circles of family law and legal feminist theory. On November 7th, 1990, she gave this year's second Annie MacDonald Langstaff Workshop.

In a style that was refreshingly clear and lively, professor Olsen first demonstrated what she meant by the maleness of law. She then presented a theoretical framework in which she catalogues feminist strategies and, more particularly, feminist legal strategies.

The maleness of law

Liberalism thrives on dualisms: rational vs. irrational; active vs. passive; thought vs. feeling; reason vs. emotion; culture vs. nature; power vs. sensitivity; objective vs. subjective; abstract vs. contextualized; principled vs. personalized. Men, as a rule, and at least since Plato, have been thought to be rational, active and so on. Women - by contrast - have been categorized as irrational, passive, etc... Theorists (and, I may add, theologians, politicians and fiction writers) have used those adjectives both in a descriptive and normative manner. Women are not only irrational, touchy-feely, close to nature,

they ought to be that way (one need only remember Rousseau's Sophie to understand that Émile, the ideal man and ideal citizen, could not build the social contract without a wonderfully programmed wife).

In our tradition, the characteristics associated with men are also attributed to law. Law must be rational, abstract, objective, principled and decontextualized. Moreover, just as in the «real» world, male norms are considered superior, so it is in law. Not only are the characteristics of law sexualized, they are hierarchized. The increased number of female actors in the

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FANTASIA'S FANTASTIC AFTER MIDNIGHT

by Michael Wilhelmson, LL.B. III

We all know the dilemma. You're strolling along Ste-Catherine Street contemplating another lost evening. The end of term is approaching, but not your term paper. It's now a quarter past eleven. You feel pangs of guilt and the prospect of returning home to the blank computer screen, staring at it for an hour, then turning distraught to watch the late movie.

Better yet, catch one of the late movies downtown. This Saturday in particular I had my heart set on seeing Jacob's Ladder

at the Palace theatre, but so did everyone else in town. It was long sold out by the time I reached the wicket. So instead, I wandered down to the Loews and bought a ticket for Bethune: the Making of a Hero. But as I stood waiting for the victims of the nine thirty screening to clear out, the thought of sitting through three hours of a talky historical seemed less and less appealing. And after all, I was reminded, it would be on T.V. in a few months anyway.

Instead, I pocketed the Bethune ticket and slipped into Disney's Fantasia at

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ANNOUNCEMENTS/ANNONCES

EXAMINATION INFORMATION - Please consult Board #3 every so often for guidelines and up-to-the-minute information. Identification on examinations is by exam number, which is now available at SAO. Get it now and avoid confusion later. No one will be permitted into the exam room without an I.D. card and an exam number. Note carefully: The last day of classes is Friday, November 30th. The last day to hand in essays and term papers is Monday, December 3. A general briefing on examination procedures will be held on Thursday, Nov. 22, at 12:00 (noon) in the Moot Court. All students are invited to attend and first-year students are particularly urged to attend.

PLACEMENT OFFICE UPDATE - Due to timetable conflicts of Biblical proportions, the new and improved office hours are as follows: Monday: 2-3; Tuesday: 10-11. If these times still present problems, feel free to call Drew Berman at 485-2649, in order to set up a mutually convenient time.

LEGAL THEORY WORKSHOP - Professor Mark Tushnet (Georgetown) will be giving a talk on Nov. 23rd at noon in room 202 on the topic of: «Critical Legal Studies: A Political History».

DELTA THETA PHI - A word from Dean of Delta Theta Phi Dino Mazzone jr.: «On behalf of both my executive and Delta Theta Phi's general membership, I would like to thank all those individuals who contributed to the Starlight Foundation - Comedy Night event this past Thursday Nov. 8th. Through the efforts of the McGill Student body (primarily at law but also elsewhere on the main campus), our legal fraternity was able to raise \$500,00 for charity. While I cannot list the names of all those people who gave the frat a hand, I would like to single out the following individuals: Willie Mercer (you're ace); Jeffrey Nadler (if you can sell Liberal Party memberships the same way you sold Comedy night tickets, we're talking future patronage position!); Danny Copnick (my right hand man - what more needs to be said?); Hélène Leblanc (you're alive and kicking!); Kenny Nathens (needed team player); Arnold Cohen (thanks buddy!). Look out for another banner semester by Delta Theta Phi.

THOMAS MOORE - Discussion group meeting on Wed. Nov. 21 at 1 p.m. in room 203. Reading available from Jon Quaglia (BCL III).

FORUM NATIONAL - Mr. Alex Paterson, the Québec government's chief negotiator during the Mohawk crisis will be speaking candidly on the nature, intentions and effects of this summer's negotiation process and the different perceptions between natives and non-natives. The talk will take place on Wednesday, Nov. 21st at 12:00 (noon) in room 202.

LAW GAMES - OK! The final figures are in (more or less). Registration for Law Games continues this week. Come find out all the details at 12:00 in room 102 on Wednesday and bring a cheque for your deposit. Sign up for teams only AFTER payment! They're going to be fantastic so sign up before registration closes on November 23rd. Anyone who wants to play hockey in the Law Games (regardless of whether you're presently playing on a team), come to room 102 at 12h00 Wednesday Nov. 21st. This will be your only chance.

GRADUATION PHOTOS - Attention les finissants! Graduation photos will be taken in the Faculty in mid-January. Keep your eyes and ears open for details.

Coin des Sports Corner

by Lori Knowles, LLB III

Hey sports fans, there's been a suggestion for more constitutional content in the Sports Corner - so far I have resisted. Keep supporting me by reading the Sports Corner first on Monday morning!

Men's Hockey: No doubt inspired by the erroneous reporting of a couple of weeks ago in which the Law AA team was reported to have lost their fourth consecutive game, Law AA whipped its opponents 8-1. In one fell swoop I managed to get 10 of the biggest most vicious lawmen mad at me - not a smart move you say? I knew it would inspire them to greater heights! And I was prepared to suffer the consequences. Feel free to thank me guys. Self-proclaimed captain Rob. M. (who is rumoured to have also proclaimed himself to be captain of the two women's hockey teams, two co-rec baseball teams, two men's baseball teams, the men's and women's basketball teams, a co-rec volleyball team, the squash ladder club, all competitive mooting teams, the women and the law club, etc...) helped to seize his grip on power by scoring a hat-trick. Other goal scorers were Asst. Capt. J. Neatby (2), asst. capt. B. Matthews (2) and asst. capt. D. McGuire. Asst. Capt. T. Heintzman is reported to be contemplating the purchase of a

new hockey stick, in his continued quest for his first goal of the season. Lowlites included roomie wingers Paul M. and Tom H. showing up with 2 skates between them. Hard to believe their parents let them out on their own. On a slightly different note, this result, combined with last week's shutout victory has served notice to the rest of the League that this year's Law team is a far cry from the no-offence, rag-tag bunch of yesteryear. Hopes are high for January's western road trip.

Prosecutors Hockey: The team is getting frustrated at their inability to score more than 2 goals in a game. Seth is worried that they're developing a «loser mentality». This theory gained support last game as the team dropped a 2-0 lead within 5 minutes and lost 3-2. Most of the defenders want to play forward but no forwards want to play defence. Brian is having trouble shaking his «goon» image that took only 1 game to develop. Dangerous Dan patrols his crease with silent intensity. It all adds up to Trouble right here in River City. That starts with «T» that rhymes with «P» that stands for PROSECUTORS! Look out! This team is a time bomb just looking for a place to explode! (London '91?).

Women's Hockey: Despite the absence of their Captain Rob M., Malum in se continued on their record-setting pace by winning their third victory of the season 3-2. Goal scorers were Chantal A., Anupa B. and asst. capt. Marie-Claude R., whose first career goal - a beauty - proved to be the game winner. To the delight of their asst. coaches Darren and Kurt (Rob. M. doubles as Head Coach), the entire team played exceptional two-way positional hockey.

Law Games: OK! The final figures are in (more or less). Registration for Law Games continues this week. Come find out all the details at 12:00 in room 102 on Wednesday and bring a cheque for your deposit. Sign up for teams only AFTER the payment! They're going to be fantastic so sign up before registration closes on November 23rd. Anyone who wants to play hockey in the law games (regardless of whether you're presently playing on a team), come to room 102 at 12h00 Wednesday Nov. 21st. This will be your only chance.

Ciao! Kanolies.

POWER-LOUNGING: THE FORGOTTEN ART

by Colleen O'Brien, LL.B. III

Do you have radical cuts? Six-pack abs? Do you really care?

If you answered in the negatory, then you may be a natural for this radical life improvement system - power-lounging. No need to sweat it out at the gym trying to reach maximum pumpitude; zero peer pressure to go the way of the vegetablinarian, and yet this serious program will also eventually fill you out to wrestlemania proportions.

The modern power-lounging method (unfortunately, I have no impressive "monitor" with which to personalize the technique) is totally effortless, awesomely simple: marathon eating, maximum possible sleep and frequent "scoping the guide" (T.V. guide, that is, in case you're a novice!) This is an expert's complete guide to permanent plushiness: make it work for you by doing no work at all.

Mercifully, the guide to power-lounging is short because I became bored by its self-indulgent pointlessness even in the time it took to put on paper. So why would I possibly consider submitting it to the Quid? I don't know... maybe people will be interested in vague description of an obscure topic, which is near and dear to my heart, uniquely expressed in pseudo-English. Maybe it will even be popular enough to warrant a weekly column ("Colleen's Corner")?

So, you potential power-loungers, follow this sage advice - remember: nothing is so important that it can't be put off 'til tomorrow, and go turn on that T.V. as you know you'd like to. Follow my lead as I prepare for my Sunday evening ritual of CTV movies and barbecue chicken chips, with one question constantly returning to my thoughts: Does Bo know power-lounging? Aaaugh! Colleen.

OF VIMY, PRIDE, AND HORROR

by Angelo Noce, B.C.L. II

The National Capital is dominated by the Peace Tower, built after the First World War to commemorate the men who gave their lives for Canada. At the summit of the tower a single word is carved in the sandstone: "Vimy". Half-way across the world in a small town in Northern France, columns of Adriatic marble rise 225 feet into the air and with thousands of Canadian names inscribed on them proclaim a single word: "Vimy".

It is hardly surprising that the Battle of Vimy Ridge has for 70 years inspired national pride in Canada, in particular during Remembrance Day celebrations. The Germans considered this highly fortified Ridge impregnable. In 1916, the French suffered 130 000 casualties proving them right. The British fared not better. We can almost forgive the skeptics who described as "inconceivable" the notion that Canadians would succeed where the great powers of the world had failed. On Easter Monday, 1917, the "inconceivable" was accomplished. Under the heaviest artillery barrage the world had ever seen, the Canadian troops rushed forward and completely displaced the Germans from Vimy Ridge. The former colony had succeeded where its former colonizers had failed. The former colony would always remember what its sons had accomplished at Vimy.

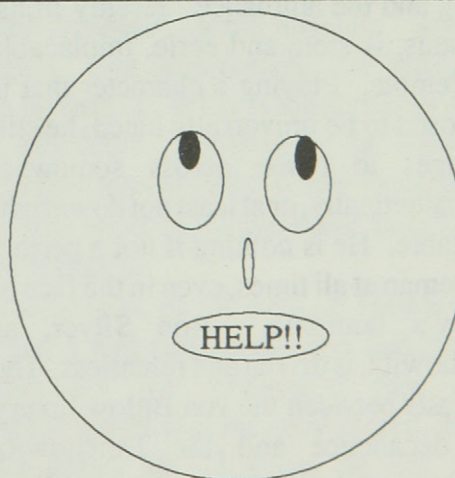
However, it is far too dangerous to feel pride in the military success that was Vimy without remembering its horrible cost as well. These few hours of battle took the lives of 3 600 Canadians and wounded 7 000 more. As well, the month of flash raids to prepare for the assault cost another 10 000 Canadian casualties. To these can be added the hideous death toll of battles like the Somme and Passchendaele for a staggering total of over 66 000 Canadian soldiers killed in the First World War. One of every ten

young men who set sail from Halifax during the war would only find rest under the poppies of Flanders fields.

Unfortunately, Canada's death count does not stop with Vimy of the First World War. The plains of South Africa, the shores of Normandy, and the hills of South Korea are but a few of the other sites that have been stained by Canadian blood. In fact, the total number of Canada's war-dead is well over 110 000. While as Canadians we tend to think of our nation's history as a relatively peaceful one, the poppies tell a different story.

To remember our war-dead who now lie in Vimy or in other corners of the globe is not to glorify or romanticize war. Quite the contrary. Only by recalling the staggering number who died can we find the resolve to avoid such human devastation in the future. Only by recalling their sacrifice can we appreciate their agony. Only by recalling the reasons behind Canada's pride in the word "Vimy" can we come to terms with the horror that also lurks behind this word. In the wake of Remembrance Day, let us remember the victims of this horror as eulogized in the words of John McCrae:

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved, and were loved, and now we lie
In Flanders fields.



Reversal of Fortune: An Impression

by Geneviève Saumier, Nat. IV

Sunny Von Bülow tells us that her favourite activity is lying in bed; preferably from 3 p.m. on. She stays in bed a lot these days: she's been in a coma since December 20, 1980. But she still wants to share with us the trials and tribulations that led to her tragic fate, inviting us to make up our own minds about what really happened. Did her husband Claus attempt to murder her or was she the sole cause of her state, a failed suicide to escape the boredom of an obscenely self-destructive and over-indulgent life?

Claus maintains his «position» of innocence and calls upon Alan Dershowitz to launch an appeal from his conviction. Aided by a handpicked group of law students and lawyers, Dershowitz has 45 days to establish the error of von Bülow's conviction. After what looks more like a succession of dinner parties and basketball games than legal drudgery, Dershowitz comes up with an «alternate theory» about Sunny's coma. Although the legal issues of the appeal are well defined in the movie, their resolution is never fully explained. As a law student, I felt cheated! I guess I'll have to read the book.

What is remarkable about this film is the acting and the ambiance. Jeremy Irons, as Claus, is stoic and eerie, implacable and remote. Playing a character that is supposed to be universally hated, he still manages to come across somewhat sympathetically, or at least not downright unlikable. He is nothing if not a perfect gentleman at all times, even in the face of Sunny's tantrums. Ron Silver, as Dershowitz, is driven and relentless. The contrasts between the von Bülow luxury and decadence and the Dershowitz plainness and openness are revealing.

The gulf cannot be crossed.

Without such strong performances, however, this movie would have few redeeming values because the story itself just isn't compelling. The total lack of feeling one feels for Sunny is exacerbated when Glenn Close, narrating from Sunny's coma, tells us «this is really about me». Unfortunately, compassion is at a low level here. Sunny's condition may be tragic, but somehow, it doesn't seem that tragic to the viewer. We know that, if Claus is guilty, he must be a terrible person. But as viewers, it's hard to really feel horrified at the thought of anyone putting Sunny out of her self-proclaimed misery. Perhaps the source of the script is the cause.

Dershowitz could only write what he knew about the von Bülow story. The script seems faithful to this and little creative freedom is expended to broaden its scope. Although this may leave many questions unanswered and make some characters inaccessible, it does add to the realism of the movie. We don't know if Claus really did it, but Dershowitz believes he's innocent. We're left wondering but that's the point.

Reversal of Fortune is playing at Cinéma du Parc. On Saturday night, the 6:45 show was sold out at six, but the 9:00 wasn't. You figure it out!

The American Irwin Cotler

by Michael Kleinman, BCL III

The Fourth Annual Natan Sharansky Lecture in Human Rights was given last Tuesday, November 6th by Harvard professor and civil rights activist Alan Dershowitz. For many, this occasion provided a welcome opportunity to ponder and discuss a serious issue not fraught with questions of language or nationalism. Our very own Moot Court was filled to overflowing as students, faculty and members of the Montréal legal community came out to meet perhaps one of the foremost American advocates and scholars of our time. To many, Alan Dershowitz was probably no more than a «lawyer/celebrity» who had succeeded not only in landing big-name clients like Leona Helmsley, the von Bülows and the late Rabbi Meir Kahane, but in landing his face in the popular press and on television programs such as 20/20, among others. To others, he was a leading scholar devoted to the promotion of a «relatively absolute» freedom of speech.

Professor Dershowitz argued forcefully in favour of an «unlimited right to complain». Essentially, Dershowitz suggested that one instance of censorship merely leads to another, and that this dynamic creates numerous situational absurdities. Dershowitz posited that in order to claim membership in the «First Amendment Club», one must condone various forms of speech which he finds both morally repugnant and upsetting. Finally, freedom of speech can only be found where a true «marketplace of ideas» exists. In the final analysis, it is not only significant whether a group of an

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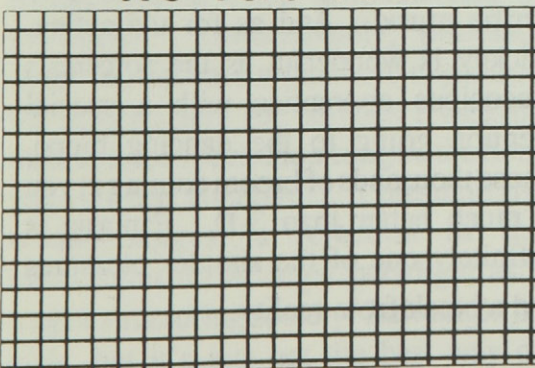
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individual has the right to say whatever they choose but whether those listening have the ability to discern right from wrong, good from bad and to decide, ultimately, yes or no.

After his talk, Dershowitz challenged members of the audience to come up with an acceptable limitation on the freedom of speech, and purported to refute each and every one. Several suggestions were made which Dershowitz actually agreed with. Dershowitz acknowledged that «speech which causes physical harm» such as chanting «Kill him, kill him!» was unacceptable. Wherever a true marketplace of ideas does not exist - and that point is contentious in itself - freedom of speech is necessarily curtailed as well. Finally, when children too young to form their own opinions or «know any better» are the targets of potentially harmful or dangerous speech, an overly broad freedom of expression cannot be tolerated. According to these guidelines, Mr. Keegstra's case might have been decided differently. Can an Eckville, Alberta classroom full of pre-adolescent schoolchildren constitute a marketplace of ideas?

I forgive Professor Dershowitz' unwillingness to propose definitive limitations on the freedom of speech, and thank him for raising questions in relation to whether any such restrictions should - or could - be implemented in a manner which would not favour the rights of one group or individual over another. If we all examined issues of fundamental import such as the freedom of speech with as much soul-searching and heart-wrenching as Alan Dershowitz, I believe we would be better off. Finally, I would be remiss if I did not express my pride and excitement at having, albeit for one short evening, both the Canadian and American «Irwin Cotlers» in our Moot Court. Mercifully, I did not have to plead before either of them!

Tic Tac Toe



The Problem with Pluralism: Reflections on the Dershowitz Lecture

by Teresa Regan, LLB I

Now that the hullabaloo is over, the flags are down, the VIP's of the Faculty are back at work and our guest speaker is back in Massachussetts, let's think about what Alan Dershowitz had to say.

From what I understood, Mr. Dershowitz set forth an inviolable, sacred absolute: Thou shalt never curb the freedom of speech. My problem with his position is very basic: why should this absolute principle have any better claim to observance than any other absolute principle?

Salman Rushdie writes a book. The Muslim community considers it blasphemous. In keeping with its religious imperatives, it issues a death sentence. Suddenly, the writing community is up in arms. How dare the Ayatollah Khomeini limit someone's right to free speech with such threats? The Muslim community responds: simple; this unlimited right to free speech is your sacred absolute, not ours. Our sacred absolute is that you not blaspheme.

Using last Tuesday's talk as a guide, I gather that Prof. Dershowitz would respond to this dilemma with the following: Come now. We are not only in Iran. We live in a world of diverse beliefs and tastes. If we curb the freedom of one writer for material that is «deeply offensive» to one group, then we must so accomodate all such groups. In no time, the Harvard library will be empty!

These diverse beliefs and tastes constitute our pluralism and, in the end, it is this pluralism which requires the absolute principle of freedom of speech. Now this is where the Lecture could have gotten interesting. In my opinion, we

would do well to take a good look at this popular term.

Pluralism invites a variety of cultures to live in harmonious coexistence. Unfortunately, pluralism promoters forget that these cultures consider themselves more than mere «lifestyles» to be enjoyed by open-minded individuals of pluralist societies who like to eat their food and wear their jewelry. These cultures espouse fundamentally different sacred absolute principles which, at some point, conflict with those of other cultures. Each absolute is as uncompromising as the next. The result is an inevitable «clash of absolutes» (to borrow an expression of one of Prof. Dershowitz's colleagues) of which unlimited free speech is but one.

The interesting questions are these: (1) Can a pluralist society exist without itself subscribing to an absolute? From the Lecture, it seems not. Prof. Dershowitz is ready to impose his absolute of free speech on the Muslim community. (2) By what authority is this absolute more compelling than any other? Presumably, the authority behind a principle gives it force. Professor Dershowitz's authority seems a vague pluralism which, ultimately, cannot be true to its purpose: it offers a place to each cultural group provided that each cultural group forsake its fundamental, sacred absolute. Some bargain. Not surprisingly, the Muslim says no thanks. What is the authority for this absolute? Apparently, the Koran. Even this non-Muslim writer finds this authority more understandable than Mr. Dershowitz's.

In conclusion, at the end of Tuesday's Lecture I was convinced only that Prof. Dershowitz was convinced that his sacred absolute was the most sacred. But that's about all. I guess he has his absolute; I have mine.

Ras-le-bol des «make-ups»?

par Julie Beauchemin, BCL II

Les faits sont simples: à venir jusqu'ici (et la session n'est pas finie!), j'ai accumulé l'impressionnant total de 10 heures de classes de reprise, communément appelées «make-ups». Sur ces 10 heures, 2 sont entrées en conflit avec mes autres cours à McGill, et 2 autres étaient incompatibles avec mes activités extra-curriculaires (i.e. mon emploi à temps partiel), mais il paraît qu'on n'est pas supposé en avoir quand on étudie à McGill, alors il ne faut pas le dire trop fort...). Je me demande si j'ai eu plus qu'une ou deux semaines conformes à l'horaire que j'avais préparé avec tant de soin l'été dernier.

Or, en récriminant à gauche et à droite à

ce sujet, j'ai remarqué que plusieurs collègues partageaient mon infortune. Nos professeurs font partie de commissions, d'associations, de comités les plus accaparants les uns que les autres, ils sont en conférence à l'autre bout du pays si ce n'est du monde, ils se marient, ils ont le rhume, etc... S'il est relativement facile de planifier une classe de reprise pour un cours de première année où les étudiants forment souvent un groupe très homogène, cela devient l'enfer dans un cours où il y a des étudiants de 2e, 3e, 4e années, de droit civil et de common law, où il y a 85 étudiants, un labrador, alouette!

Une classe de reprise, à l'occasion, n'a jamais fait de mal à personne, et on peut sans doute s'attendre à ce qu'il puisse y avoir conflit avec l'activité para-scolaire d'une ou deux personnes. Mais quand le phénomène prend une telle ampleur, quand des étudiants doivent faire am-

stram-gram pour savoir à quel cours aller à telle heure, quand on n'est plus capable de prendre un rendez-vous chez le dentiste sans le changer 3 fois, il y a un problème.

Ma suggestion pour remédier à ce problème est d'insérer un bloc «make-up» dans l'horaire de la Faculté, un peu comme le bloc d'activités du mercredi 12-2 p.m. Les étudiants s'efforceraient de garder ce bloc libre dans la planification de leurs activités parascolaires, et les membres de la Faculté essaieraient de bien répartir, à l'avance, les classes de reprise sur les blocs disponibles afin d'éviter l'orgie de make-ups dans les 3 dernières semaines de la session, ou même les conflits de make-ups! Qu'en pensez-vous? Avez-vous une meilleure idée? Je désire initier le débat sur ce sujet, alors si vous avez autant de ratures et de conflits que moi dans votre agenda, venez m'en parler!

Fantasia

Cont'd from p.1

midnight. Little talk. Lots of music and sound. This seemed ideal for an escapist, early morning state of mind. I suppose I bought the tickets for Bethune in the first place out of a deep-seated and irrational distaste for Disney movie's generally, filled as they tend to be with smart asses, over acting, tear jerking, humanoid animals that make real ones seem somehow inferior, glossy violence and don't forget the ceremonial, gut-wrenching killing of some cute animal (poor old Yeller and Bambi's mother).

But upon reflection, I realized that my distaste did not extend as far as Mickey Mouse (falsetto and all), displayed prominently on the Fantasia poster, and the music from the Sorcerer's Apprentice had started to filter up from my subconscious.

The movie definitely reflects Disney's better side — the animation side. We are told from the top that we are experiencing a new kind of entertainment involving the visualization of the concert

experience, i.e., that the screen will be filled with the images that the music might draw forth from a listener at a symphony concert. Only the first piece takes this premise seriously with images of earth and sky and soaring violin bows. The best of Fantasia is simply the use of the music as the accompaniment of a series of animated stories. The new art form never caught on, but Fantasia itself remains an original and entertaining conception with a certain kinship to the movie Aria.

Fantasia is not without flaws that only an adult would notice. But I guess that's my job here. The repeated appearances between musical numbers of a person going by the name of Deems Taylor, your silhouetted host amid a silhouetted orchestra, was a needless encumbrance to the flow and the art of the film. There was no need to remind viewers that they are supposed to be "at the symphony", and Taylor's manner and comments, something of a cross between Ed Sullivan and those non-caricatured humans on Bug's Bunny, gradually descend from quaint to annoying. "Hello

Mr. Soundbar! Don't be shy!"

A personal peeve of mine is the orchestration of that stereotypical conductor, Stokowski — flowing white hair and all. His sappy and syrupy romanticism is a little hard to take for the modern listener or classical music. But he's only really atrocious in his mangling of Bach's Toccata and Fugue in the opening piece, replacing clarity and power with a sound that is hard to describe: more of a Musak grumble. But Stokowski is much better with romantic composers like Dukas and Tchaikovsky and even Beethoven's Pastoral Symphony is respectable.

The flaws are minor compared to the mostly top-quality animation and some terrific music. And as for the acting, Mickey is wonderful as the sorcerer's precocious apprentice with a special mention going to the dancing hippo. Those thousands of broom coming at you is much better than 3-D. Fantasia is definitely one of the simpler pleasures and a break from reality.

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legal scene, and even the tentative adoption of feminist notions by our courts, have by and large not altered the sex of law.

Feminist Strategies

So what is a feminist to do? Professor Olsen outlined three strategies: (1) the rejection of sexualization; (2) the rejection of hierarchization and (3) androgyny.

(1) The rejection of sexualization

Demonstrate, as 19th century feminists such as Harriet Mill attempted, that women are as rational as men. Open the law faculties and see for yourselves: women can succeed on the same terms as men. Such an approach does not necessarily imply sex-blindness. Affirmative action might be necessary to give women the conviction that they can succeed on the same terms as men. This is probably no longer necessary in law school (though it might still be so in certain areas of law and in the teaching of it), but it might be so in mathematics and technology.

(2) The rejection of hierarchization

Some feminists have argued that men and women are indeed different and that the categories outlined above are realistic, but reject the conclusion that one side of the equation is superior to the others. 19th century reformists tended to glorify female values. Charlotte Perkins Gilman imagined a female utopia. In fact, I wonder if there isn't a reversal of the hierarchy at work here, as opposed to its rejection.

In the legal arena, the rejection of hierarchization leads to a rejection of patriarchy. Unfortunately, professor Olsen did not have a chance to expand on the options here (or perhaps I was, by then, to uncomfortable sitting on the floor and was less attentive?). I presume she would suggest a rejection of the idealization of the legal paradigm as a way of structuring society. Law might be male, but it's just not the best way of

organizing the way people relate to one another: concern and compassion might be as valuable.

(3) Androgyny

This strategy, adopted by Feminist Critical Legal Theorists, seeks to modify the maleness of law. Not only does it allow us to realize that law is not always rational, objective and principled, but it prompts us to imagine a legal doctrine or structure which would incorporate respect for emotions, context and personal situations. Unfortunately, by then Professor Olsen was running out of time (and I was running out of tolerable positions). One can imagine the recognition of caring as a legal value, the recognition of relationships and responsibilities in the area of family law. In her (in)famous speech at Osgoode last year, Supreme Court Justice Bertha Wilson insisted on the necessity of incorporating «female» values into law. However, Wilson J. thought some fields were impermeable to fundamental changes (contracts, for instance). Professor Olsen is not convinced. Once the «exceptions» to the rule «a deal is a deal» are recognized no longer as deviations from the norm, but as an integral part of our notion of agreement, then contracts are no longer abstract, objective and principled. They leave room for context, personal situations, feelings and sensitivity.

The lecture

The Annie MacDonald Langstaff Workshops have a tendency to be less formal and intimidating than our regular Legal Theory Workshops. Students participate more and there tends to be a greater concern for communication, i.e. making sure the participants actually understand what is going on. Professor Olsen, with her written outline and her warm style demonstrated that a Legal Theorist can be both abstract and sensitive, and convey a message which is theoretical but not hermetic.

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

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Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

L'éveil américain

par Jean-Philippe Gervais, BCL III

L'automne, au Vermont, les feuilles des arbres sont plus rouges, le ciel est plus clair, l'air est plus frais que partout ailleurs aux États-Unis. La fumée des cheminées se mêle aux nuages accrochés au sommet des montagnes et les volets de bois peints se ferment une fois de plus à l'approche de l'hiver. Cette année, au Vermont, l'automne a apporté quelque chose de plus, et ce petit État, connu surtout pour ses parcs et ses maisons de ferme aux couleurs vives, a bouleversé le paysage politique américain. Cette année, le Vermont a élu pour la première fois en 72 ans un socialiste comme représentant au Congrès américain.

Personnage connu de la scène politique locale, élu maire de Burlington, la ville la plus importante de l'État, par 10 voix en 1981, puis réélu trois fois par la suite, Bernard Sanders a remporté la bataille contre le représentant sortant, le républicain Peter Smith, par 56% contre 40%, cela malgré un taux de réélection de 96% des représentants au Congrès. Il y a deux ans, Smith avait vaincu Sanders par seulement 3% des voix. Que se passe-t-il donc au Vermont? Comme le demandait Ted Koppel au vainqueur le lendemain de l'élection, comment se fait-il qu'au moment où le socialisme est rejeté à travers le monde, un socialiste est élu au Vermont?

La réponse réside probablement dans le fait qu'après huit ans de croissance économique financée à l'aide de déficits, la population américaine est aujourd'hui inquiète de son avenir économique. La perception largement répandue (et en grande partie justifiée) que la classe aisée et les multinationales n'assument pas leur juste part du fardeau fiscal joua également sans contredit un grand rôle dans l'élection d'un candidat voué à la défense des travailleurs et des petits

agriculteurs. Or, depuis maintenant plus de vingt ans, Bernard Sanders fait campagne en faveur de l'instauration d'un système de santé universel aux États-Unis et de la redistribution des richesses entre les différentes classes sociales de son pays. À l'époque où il était maire de Burlington, il y invita même à plusieurs reprises des représentants du NPD afin de se faire expliquer le fonctionnement du système de santé canadien, et cette fois encore, les mérites du modèle canadien furent âprement débattus à l'occasion de chaque débat entre les candidats.

Natif de Brooklyn, déménagé au Vermont en 1968, Bernard Sanders se voit donc confié la délicate mission de défendre au sein du Congrès des idées tombées en disgrâce dans l'opinion américaine depuis au moins la fin des années '60. Mais ce n'est pas la première fois qu'il doit affronter la réticence des politiciens en place à changer les règles du jeu. À Burlington, malgré une opposition farouche des partis traditionnels, il réussit à obtenir des services de garde d'enfants et d'aide à la jeunesse. Il créa un conseil des arts municipal et freina l'ardeur des promoteurs immobiliers qui bâtissaient n'importe quoi n'importe où. Aujourd'hui, son successeur fait partie de cette «Progressive Coalition» mise sur pied par Sanders, et deux autres membres de ce mouvement ont été élus le 6 novembre dernier à des postes de représentants au niveau de l'État. Une troisième option existe donc désormais au Vermont.

Aux dernières élections, les électeurs de deux États (Connecticut et Alaska) élurent également des gouverneurs indépendants et au Minnesota, un professeur de sciences politiques affichant clairement ses opinions

progressistes fut élu au Sénat sous la bannière démocrate, défaisant du même coup son adversaire républicain, seul sénateur sortant à mordre la poussière ce soir-là.

Si les années '80 marquèrent la fin de la polarisation politique du continent européen, il est à espérer que l'élection le 6 novembre dernier de candidats aux idées progressistes permettra aux citoyens américains d'être davantage exposés à des courants idéologiques différents de la doctrine établie, et présage d'une plus grande justice sociale à venir. Dans sa campagne pour une réforme en profondeur du système de santé américain, Bernard Sanders aime à mentionner le fait que de tous les pays industrialisés, seuls deux n'ont pas de programme d'universalité des soins médicaux: l'Afrique du Sud et les États-Unis. Il sera intéressant de voir le sort que réservera l'opinion publique à d'aussi virulentes critiques du système politique actuel. Dans la mesure où il n'y a plus que 40% des électeurs qui votent, on peut présumer que les Américains sont aujourd'hui prêts à envisager de nouvelles alternatives au régime politique actuel.

L'épouvantail du communisme est disparu, mais l'imaginaire américain en restera certainement marqué pour plusieurs générations. En Caroline du Nord, le prophète de l'extrême-droite, Jesse Helms, a été réélu au Sénat en accusant son adversaire noir d'être à la solde des syndicats, des homosexuels et des «libéraux» (lire: communistes). Espérons qu'il ne s'agit là que de la dernière manifestation d'une intolérance qui n'a plus sa place en 1990, et que le résultat de l'élection au Vermont, loin d'être un phénomène isolé, est au contraire un présage de l'éveil américain aux injustices d'un système trop longtemps idolâtré.